

SESSION OF 2026

SUPPLEMENTAL NOTE ON SENATE BILL NO. 413

As Recommended by Senate Committee on
Judiciary

Brief*

SB 413 would prohibit counsel from suggesting amounts to award as damages for non-economic loss in civil actions.

The bill would prohibit counsel from suggesting an amount to award as damages for non-economic loss in the form of:

- A specific dollar amount;
- A range of dollar amounts;
- A mathematical formula or units of time; or
- A reference to objects or values that lack a relevant connection to the facts proved by the evidence.

The bill's provisions would be severable. If any part of the bill, or its application to any person or circumstance, is found unconstitutional or invalid, the rest of the Act would still stand and would be enforceable so long as it could be enforced without the unconstitutional or invalid provisions.

The bill's provisions would be included in the Code of Civil Procedure.

The bill would be in effect upon publication in the *Kansas Register*.

*Supplemental notes are prepared by the Legislative Research Department and do not express legislative intent. The supplemental note and fiscal note for this bill may be accessed on the Internet at <https://klrd.gov/>

Background

The bill was introduced by the Senate Committee on Judiciary at the request of the Kansas Chamber of Commerce.

Senate Committee on Judiciary

In the Senate Committee hearing, representatives of the American Tort Reform Association; Kansas Association of Insurance Agents; Kansas Chamber of Commerce; Kansas Medical Society; Kansas Motor Carriers Association and American Trucking Associations; National Federation of Independent Business; and the University of Kansas Health System provided **proponent** testimony. Proponents generally stated that enactment of the bill would be a reasonable step in limiting exorbitant non-economic damage awards, thereby reducing costs for Kansans.

Written-only proponent testimony was provided by representatives of the Greater Kansas City Chamber of Commerce; Kansas Association of Property & Casualty Insurance Companies, Inc.; Kansas Grain and Feed Association and Kansas Agribusiness Retailers Association; and Kansas Hospital Association.

Opponent testimony was provided by a private citizen, who stated that suggesting possible non-economic damages creates a ceiling for the defense to attack and can thereby reduce exorbitant awards.

Written-only opponent testimony was provided by representatives of Hutton & Hutton Law Firm; Kansas Bar Association; and Kansas Trial Lawyers Association.

No other testimony was provided.

Fiscal Information

According to the fiscal note prepared by the Division of the Budget on the bill, the Office of Judicial Administration indicates enactment of the bill would increase time spent by the Judicial Branch in processing, researching, and hearing cases, but a precise fiscal effect could not be estimated.

Judiciary; civil procedure; damages; non-economic loss